

April 8, 1975

that if the Legislature does not show up that a default judgment will be entered against the Legislature. There is no way to say with precision exactly what the effect of the Legislature not showing up would be. I can see what it would be if the Legislature did show up. All 49 of us crowding into the court room, how would we give testimony? What would we testify too? Would we rehearse the entire debate that we had on the floor of the Legislature before? We don't know anything about any ballots because we didn't see any ballots. The only thing that anybody in the Legislature can testify too would be his or her part in the debate that occurred. But the debate as such is not the issue. Rather, the case, the essence of it is the deprivation that some people feel of their right to vote and have their vote counted, and the Legislature has nothing to do with that. The decision regarding which votes would be cast out was made by the Secretary of State. The Legislature decided to ratify its action by not taking any action to overcome or change the result of that. I believe that this resolution with all due respect to Senator Burbach, I think that it was probably partly the Attorney General's suggestion that it be done. I don't think that it is appropriate and I don't think that it is necessary. I also think that it would be an additional blunder by the Legislature. Let me say something that I hope that you will listen too. Sometimes, serious issues are lost because of the individuals personality, or lack of it, who speaks on that issue. I hope that you can separate what you feel about me personally from the issue that I am trying to bring before you today. If we take a vote in a prefunctionary fashion because the resolution is before us, we will do it and feel alright. But the public does judge what we do. They try to see if there is a foundation in law or rationality for it and I think that there is none for this particular resolution. I'm not going to vote for it and I don't think that it should be adopted by the legislature. I think that it is an exercise in futility and will serve to complicate a situation without doing anything worthwhile.

PRESIDENT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body. I personally rise in support of the resolution. If for example I was sued and did not show up, the judgment would be rendered in default because of the fact that I just plainly didn't show up. I don't think that this legislature should be placed in that position. I think that we have been named in a law suit and by gosh we should show up and whether we show up as an individual representative such as the Speaker for example or whether we show up as a body it has to be determined, but in the mean time at least we should be represented and the Attorney General can inform us from time to time who shall do what from this point forward. I do not believe in leaving a loop hole in this thing that we would let the Legislature be condemned in default because of the fact that we just plain didn't show up, we